

batch of laser modules is not as low, because appropriate setting values can more often be generated. (See in particular page 7, line 7, to page 8, line 5.)

In contrast, Baba et al. does address finding the appropriate setting values for each laser module in a batch of laser modules. Instead, Baba et al. discusses how to control laser modules that have already been deemed non-defective and assembled to form laser diode assemblies. The setting values, if any, for the laser modules would have already been determined, and Baba et al. only discloses how to use them afterward. Applicants elaborate as follows:

Claim 9 describes a setting value generating device that includes both:

an optimum power intensity *calculating* unit that *calculates* an optimum power intensity

and

an optimum temperature *calculating* unit that *calculates* an optimum temperature.

(Applicants emphasize the term “calculate” for reasons discussed below regarding the distinctions between the claimed invention and the asserted prior art.) Claim 9 elaborates that the optimum power intensity and optimum temperature are those that maintain a predetermined wavelength and satisfy predetermined temperature conditions and predetermined power intensity conditions. Claims 10-13 depend from claim 9, so they also describe this subject matter.

Claim 14 describes a method that includes the steps of both:

calculating an optimum power intensity

and

calculating an optimum temperature.

Claim 14 also elaborates that the optimum power intensity and optimum temperature are those that maintain a predetermined wavelength and satisfy predetermined temperature conditions and

predetermined power intensity conditions. Claims 15-18 depend from claim 14, so they also describe this subject matter.

Applicants find no teaching in Baba et al. of the subject matter quoted above from the rejected claims. Applicants of course acknowledge that optical wavelength stability control apparatuses 110 (Fig. 1) have components that control power and temperature to achieve target values. However, the claims specify that the optimum power intensity and temperature are *calculated*. Applicants elaborate upon the Baba et al. teachings as follows:

Column 3, in lines 7-11, discloses a thermal controller for controlling a laser diode's (LD's) temperature such that it equals a control target value. However, applicants find no statement in Baba et al. that optical wavelength stability control apparatuses 110 *calculate* the control target value, and applicants further find no reason to think that the control target value is not set in advance of the Baba et al. apparatuses' use.

Column 5, in lines 10-11, discloses an auto power control circuit (APC) 7 that controls the drive current value so that the power output value detected by photo diode (PD) 6 becomes a constant. However, applicants find no statement in Baba et al. that optical wavelength stability control apparatuses 110 *calculate* a target power output value, and applicants further find no reason to think that the desired power output is not set in advance of the Baba et al. apparatuses' use.

The Office Action states that the apparatuses disclosed in Fig. 1 teach calculating optimum power intensity and temperature. However, the Office Action fails to cite any statement where a desired power intensity or temperature is *calculated*, as discussed above. Applicants acknowledge the statement in the Office Action on page 3 that the optimum power intensity *can be* the value present at the start of each control loop. However, the claims do not

merely state what the optimum power intensity “can be.” Instead, the claims state that the optimum power intensity is *calculated* and that the calculation is based on specific predetermined conditions.

In view of the absence of any identified disclosure in Baba et al. that anticipates the subject matter quoted above from the claims, applicants respectfully submit that the anticipation rejection of claim 9-18 should be withdrawn.

Claims 19-24 stand rejected under 35 U.S.C. § 103(a) as obvious over Baba et al. in view of Nasu et al., U.S. Patent Application Publication No. 2003-0067949. Applicants respectfully traverse this rejection.

The obviousness rejection of claims 19-24 relies in part on Baba et al. properly anticipating claims 9-13. However, as explained above, Baba et al. does not anticipate claims 9-13. Therefore, the obviousness rejection of claims 19-24 cannot be proper.

Accordingly, applicants solicit the withdrawal of the obviousness rejection of claims 19-24.

In view of the remarks above, applicants submit that the application is in condition for allowance. Accordingly, a Notice of Allowability is hereby requested. If for any reason it is believed that this application is not now in condition for allowance, the Examiner is welcome to contact applicants’ undersigned attorney at the telephone number indicated below to discuss resolution of the remaining issues.

If this paper is not timely filed, applicants petition for an extension of time. The fee for the extension, and any other fees that may be due, may be debited from Deposit Account No. 50-2866.

Respectfully submitted,
WESTERMAN, HATTORI, DANIELS & ADRIAN, LLP

A handwritten signature in black ink, appearing to read "Darrin A. Auito". The signature is fluid and cursive, with the first name "Darrin" being more prominent than the last name "Auito".

Darrin A. Auito
Attorney for Applicants
Registration No. 56,024
Telephone: (202) 822-1100
Facsimile: (202) 822-1111

DAA/JLF/af

Q:\2003\030824\030824 response to 11-23-05 action.doc